

Applicant acknowledges the Examiner's statement regarding the patentability of generic independent claims in general. However, Applicant respectfully requests examination of this application on the merits including independent claim 1, which is generic to the species identified in the prior restriction requirement.

The Examiner has requested full translations of the foreign references discussed in the response filed July 15, 2002. Such translations were obtained and submitted to the U.S. Patent and Trademark Office ("PTO") on October 17, 2002. Although these translations were provided to the PTO as soon as they were available, these translations apparently crossed in the mail with the present office action. Applicant regrets any inconvenience this may have caused.

The Examiner has objected to the drawings 6A-6E and 7, as submitted on July 15, 2002 because some of the figures remain unnumbered. Applicant includes herewith proposed drawings 6A-6E and 7 adding the missing reference numerals marked in red-ink. Accordingly, Applicant respectfully request entry of the proposed drawings and withdrawal of the Examiner's objection to drawings 6A-6E and 7.

All of the pending claims were rejected. As to matters of form, claims 1, 4-6, and 8 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that is not sufficiently described in the specification. The Applicant respectfully submits that FIG. 2 clearly illustrates second heat exchanger 22 disposed downstream from the first heat exchanger 12 in relation to the airflow. Lines 2-6 on page 10 state, "it is also possible to provide the heat exchanger 22 used for cooling in a separate channel or in parallel with the first heat exchanger 12. Such an embodiment is represented in FIG. 2." As would be understood by one skilled in

the airflow would pass over the first heat exchanger 12, and then the third heat exchanger 32, and finally pass over the second heat exchanger 22. Accordingly, the second heat exchanger 22, as shown in Figure 2, would be downstream relating to the first exchanger 12 “in relation to the air flow.” Therefore, Applicant respectfully requests withdrawal of the rejection on this ground.

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The Examiner indicates that claim 6 does not appear to be descriptive of elected Figure 2. To advance prosecution of this application, Applicant now designates the claim as a non-elected claim.

As to the merits, claims 1, 4, 5, 6, and 8 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combined teachings of U.S. Patent No. 5,291,941 to Enomoto (“Enomoto”) and European Patent 0913281 (“the ‘281 patent”). Claim 6 also was rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of EP 0696968 or EP 0696967 or EP 0199187. Respectfully, the rejections of claim 6 are now moot in light of the designation of claim 6 as non-elected claim. For the reasons discussed below, these rejections are traversed.

Reconsideration of each of the rejections under 35 U.S.C. §103 is requested.

B. Claims 1, 4-5 and 8 Are Patentably Distinguished From Enomoto And The ‘281 Patent Because They Fail To Disclose “A Second Fluid - Circuit Comprising A Second Heat Exchanger” “Cooling The Air Flow” “That Is Capable Of Being Connected Downstream From The First Heat Exchanger” As Recited In Independent Claim 1.

Applicant’s claim 1 recites:

1. A heating and air conditioning installation for a vehicle comprising:

a first fluid circuit comprising a first heat exchanger, said first heat exchanger warming an air flow by transferring heat from the engine;  
a second fluid circuit comprising a second heat exchanger, said second heat exchanger cooling the air flow;  
a third fluid circuit comprising a third heat exchanger, said third heat exchanger warming the air flow;  
wherein the second heat exchanger is capable of being connected upstream and is capable of being connected downstream from the first heat exchanger and the third heat exchanger is connected downstream of the first heat exchanger in relation to the air flow.

Enomoto is directed to an air conditioner having selectively operated condenser bypass control. In the embodiment of Enomoto's Figure 1, evaporator 14 is situated upstream from the heat core 301 that is connected to the engine 102. On the other hand, Applicant's first heat exchanger 12 is located upstream from the second heat exchanger, as well as the third heat exchanger, as recited in claim 1.

Enomoto's Figures 4-8 illustrate alternate embodiments of the overall structure of Figure 1. In the embodiment of Enomoto's Figure 8, a cooler 36 and heater 37 are shown. The refrigerant circuit of Figure 8 apparently is intended to be substituted into Figure 1 in place of the circuit having evaporator 14 and heat exchanger 11. On the other hand, Applicant's first heat exchanger is located upstream from the second heat exchanger, as well as the third heat exchanger, as recited in claim 1. Accordingly, Enomoto fails to teach, disclose or suggest “a second fluid circuit comprising a second heat exchanger, said second heater exchanger cooling the air flow,” wherein, “the second heat exchanger is capable of being connected upstream and is capable of being connected downstream from the first heat exchanger ...” as recited in claim 1.

The Office Action does not allege that the '281 patent remedies the deficiency in Enomoto discussed above. Indeed, the '281 patent shows a downstream third heat exchanger connected to an upstream second heat exchanger in the same fluid circuit, wherein the respective heat exchangers are situated downstream and upstream relative to a first heat exchange coupled to an engine. Accordingly, the '281 patent fails to teach, disclose or suggest "a second fluid circuit comprising a second heat exchanger, said second heat exchanger cooling the air flow," wherein, "the second heat exchanger is capable of being connected upstream and is capable of being connected downstream from the first heat exchanger..." as recited in claim 1.

The Office Action suggests that the elements of Figure 8 may be placed in duct 26 of Enomoto Figure 1 in accordance with the alleged teaching of the '281 Patent's Figure 1A. However, such an arrangement does not result in a second fluid circuit for cooling an air flow that is capable of being connected downstream from the heat exchanger 301 in Enomoto, as is recited in Applicant's claim 1. As explained above, the Enomoto's heat exchanger 14 (which allegedly corresponds to Applicant's second heat-exchanger) would be upstream from Enomoto's heater core 301 (which allegedly corresponds to Applicant's first heat exchanger).

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is patentably distinct from Enomoto and the '281 patent, alone or in combination. See MPEP § 2143.03 (§ 103(a) rejection requires showing of all claimed elements in the cited references). For at least similar reasons, claims 4-5 and 8 also are believed to be patentably distinct from these references. Reconsideration is respectfully requested.

**CONCLUSION**

For these reasons, it is believed that all claims, as currently presented are patentable, and that this application is in allowable condition. The Examiner is invited to contact the undersigned at the telephone number provided if it will advance the prosecution of this application.

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1948-4745.

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Respectfully submitted,



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Fig. 6a

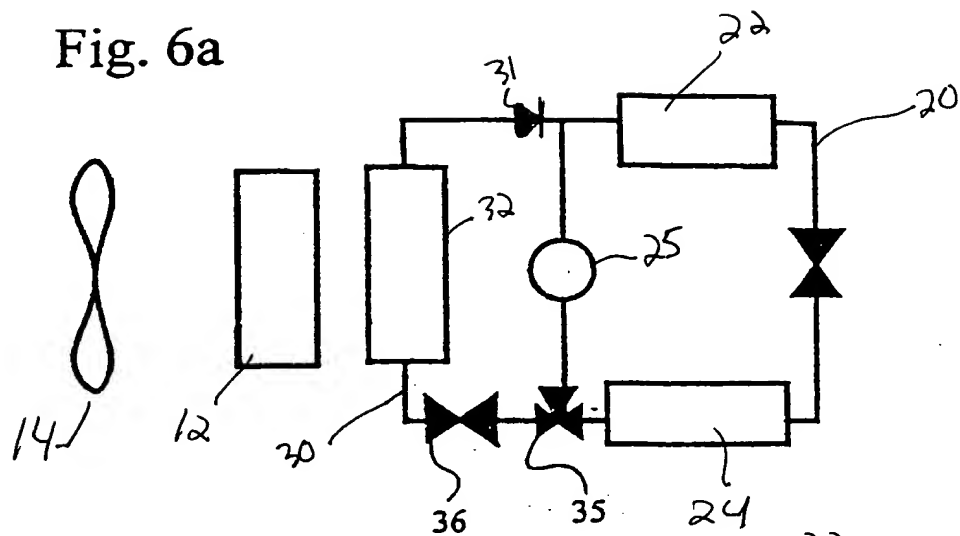


Fig. 6b

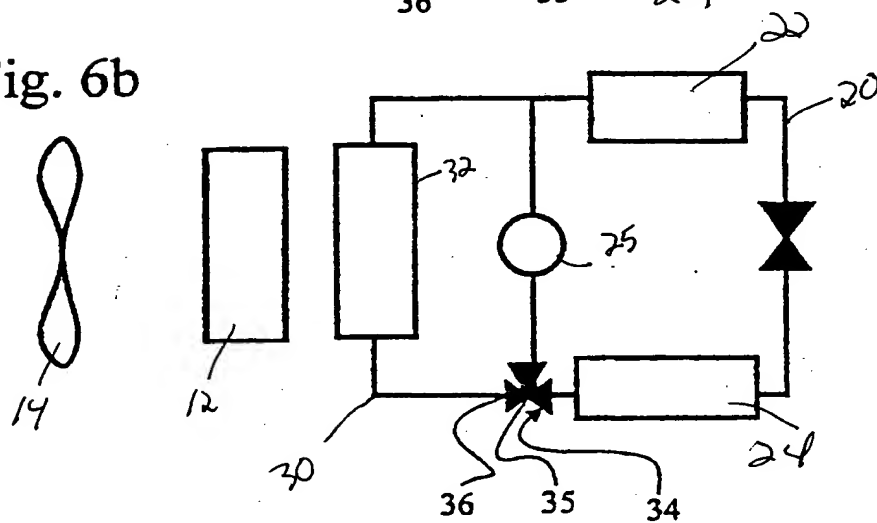
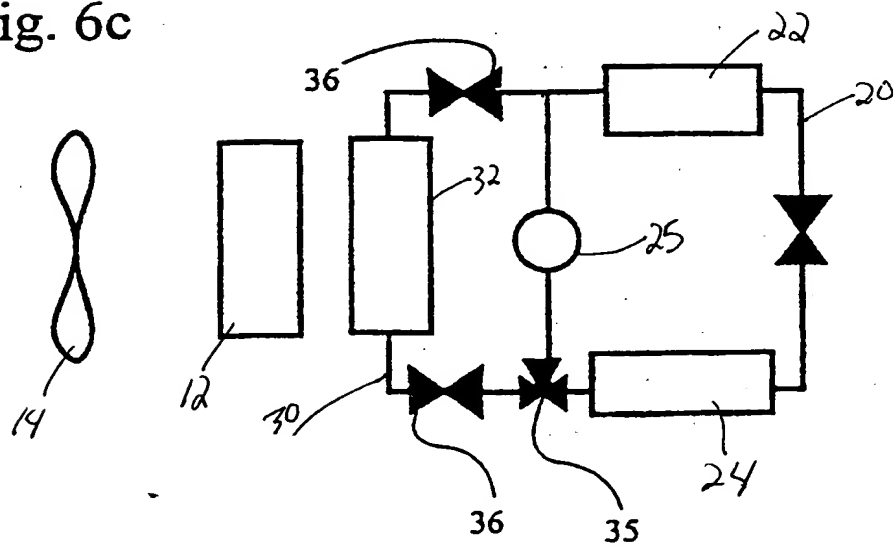


Fig. 6c



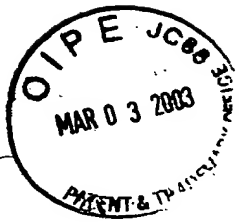


Fig. 6d

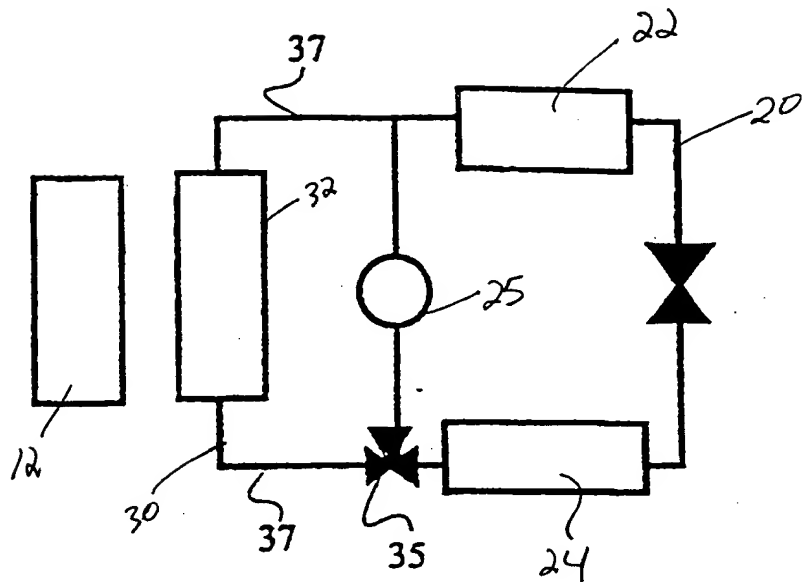
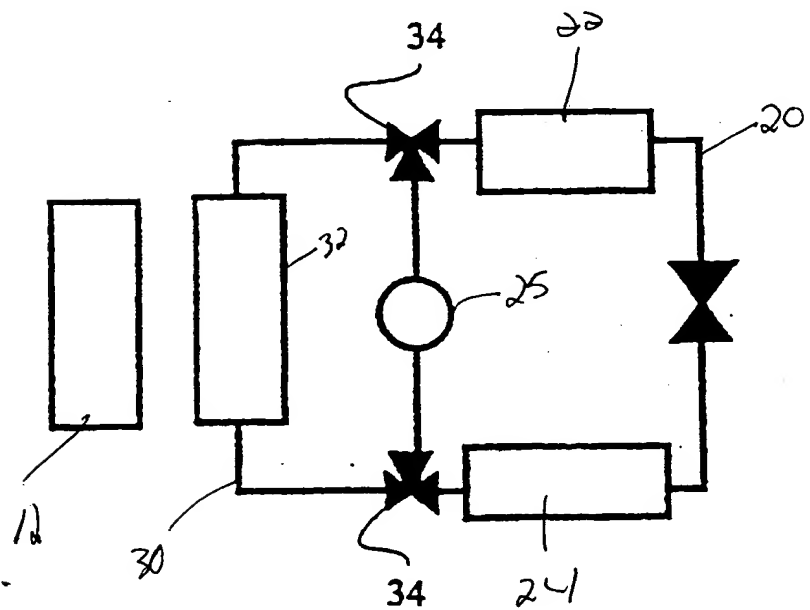


Fig. 6e



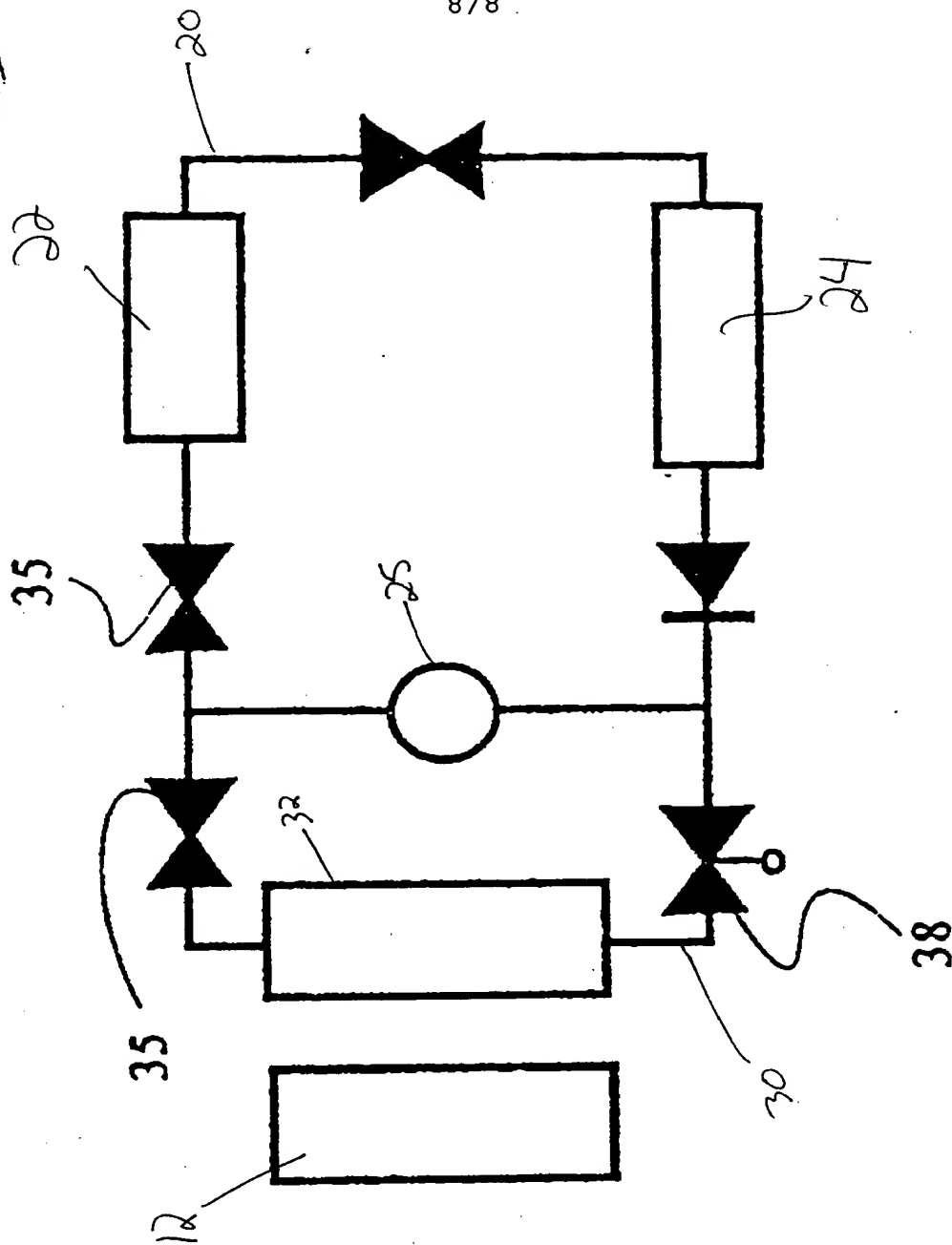
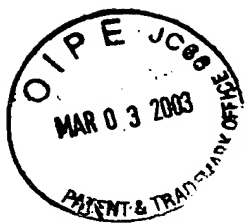


Fig. 7